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Honorable Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

Re: **Enzo Biochem, Inc. et al. v. PerkinElmer, Inc., et al, No. 03 Civ. 3817 (RJS)**

Dear Judge Sullivan:

Reluctantly I write in response to the letters of counsel to PerkinElmer and Amersham, each of which oppose Enzo's request for a limited extension of the dates for filing expert reports and to complete scheduled discovery in this case.

Contrary to Mr. Gunther's statement, Enzo's request leaves undisturbed any other pretrial scheduling, other than the short extensions requested. The reasons for Enzo's requests are contained in the prior correspondence with the Court. Without leave to complete the scheduled discovery and to complete the expert reports that are importantly informed by that discovery, Enzo presentation at trial will be prejudiced.

Enzo has worked diligently to complete its pretrial preparations in the compressed time period contained in the Court's November 11, 2013 Scheduling Order. It has made its request for a brief extension of the dates for completion of discovery and to file initial expert reports only when it became clear that circumstances beyond Enzo's control were making the completion of the necessary tasks impossible.

Amersham's counsel's contention that Enzo could have taken the deposition of Amersham and General Electric at an earlier date, ignores the fact that these third parties did not provide all of the documents subpoenaed by Enzo (Amersham acknowledges that there were documents that were not produced because of Amersham's objections), and Amersham then took the position that its witnesses could not be made available during the ensuing two week period prior to the scheduled close of discovery, but could only be available on February 5, 2014.

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Because of the importance to Enzo that it be given leave to complete scheduled discovery and its expert reports, we urge the Court to grant these limited requests.

Respectfully yours,,

/s/ Jeffrey R. Mann

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cc: All Counsel of Record